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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 PETER QUINN ELVIK,)

12 Petitioner,)

13 vs.)

14 DON BUNCE, *et al.*,)

15 Respondents.)
16 _____/

3:04-cv-0471-RCJ-RAM

ORDER

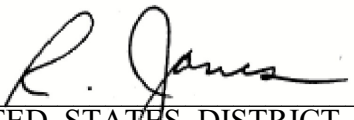
17 On September 27, 2007, this Court dismissed the second amended habeas corpus
18 petition as untimely. (Docket #60). Judgment was entered the same date. (Docket #61).
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20 In a memorandum opinion, filed June 16, 2009, the Court of Appeals for the Ninth
21 Circuit reversed this Court's dismissal of the petition. (Docket #65). Specifically, the Court of
22 Appeals held that petitioner is entitled to equitable tolling of the AEDPA statute of limitations, and
23 remanded the action to this Court "to consider the merits of Elvik's petition for habeas corpus."
24 (Docket #65, at p. 3). The Court of Appeals issued its mandate on August 4, 2009. (Docket #68).

25 **IT IS THEREFORE ORDERED** that respondents **SHALL FILE AN ANSWER**
26 addressing the merits of all claims in the second amended petition within **thirty (30) days** from the
date of entry of this order.

1 **IT IS FURTHER ORDERED** that petitioner's reply to the answer is due within
2 **thirty (30) days** from the date of being served with the answer.

3 Dated this 26 th day of October, 2009.

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5 _____
6 UNITED STATES DISTRICT JUDGE

(ec1)